

Proposed Additions to “Technical Assistance for Frequently Asked Questions”

August 1, 2003

Q1: In relation to R340.1755 services (ECDS), must the IEP identify the specific related services that are provided to the student on the IEP?

A1: The IEP must write either " R340.1755 Services", or "Early Childhood Special Education Services", with R340.1755 cited within the IEP. The IEP must complete the frequency/duration/location information. If the student receives additional related services that are not provided under R340.1755, the IEP must identify those services.

Q2: Must the district complete an observation for a LD reevaluation?

A2: No. The district is only required to complete an observation for the initial evaluation, or when the Evaluation Review for a reevaluation determines that an observation is needed.

Q3: Must the district complete an Evaluation Review to add or drop a service?

A3: No. The IEP determines the appropriate programs and services for a student. (Note: R340.1745 requires a diagnostic report provided by an authorized provider of speech and language services prior to initiating and continuing speech services.)

Q4: What is the maximum amount of time between completing the Evaluation Review and completing the reevaluation IEP?

A4: If the Evaluation Review determines that evaluations other than those given to all students is/are desired, then the district must obtain parental consent. When the district obtains parental consent, the district must convene the reevaluation IEP within 30 school days, unless the parent and school district agree to extend the time line. 34 CFR §300.533, 34 CFR §300.505

Q5: Is there a minimum timeline between when the Evaluation Review is completed and the completion of reevaluation IEP?

A5: No.

Q6: Is an Evaluation Review required for an initial evaluation?

A6: No. An Evaluation Review is optional for an initial evaluation. 34 CFR §300.533

Q7: Is an Evaluation Review required for all types of evaluation?

A7: No. An Evaluation Review is required at least once every 36 months, or when the parent or teacher requests an evaluation, in writing, or when considering changing, adding or removing a disability category.

Q8: What is the exact date that "resets the clock" on a reevaluation?

A8: The 36-month "clock" resets on the date of the Reevaluation IEP. A MET does not set or reset a clock.

Q9: Since a MET is not required except for an initial evaluation, must the monitor review the last MET that was done, even if 6-7 years old?

A9: Yes.

Q10: Must a district redo a MET if a required component is missing?

A10: Yes.

Q11: Must the monitor review a MET that the district completed, even if the district completed the MET before the end of 36 months?

A11: Yes. Each new MET replaces the previous MET. The reevaluation IEP that follows a MET re-establishes the 36 month calendar.

Q12: When considering a change of disability can the Evaluation Review determine that a MET is not required?

A12: No. To change the disability of a student a MET is required as defined in Rules 340.1705 – 340.1716 applicable to the disability.

Q13: If a student presently is eligible as a student with Other Health Impairment (OHI), must the district obtain a doctor's signature or documentation if the Evaluation Review determines no additional testing is required and eligibility is not in question?

A13: No. The initial determination of eligibility as OHI, documented through the MET, requires a physician's statement.

Q14: Must a district always complete a MET when an IEP determines that a student is no longer eligible for special education?

A14: No. An Evaluation Review is not required prior to graduation with a regular high school diploma or when the student exceeds the age of eligibility. If the student is exiting from special education programs and services, but continuing in general education, a MET is required if determined necessary by the Evaluation Review, or if the parent requests a reevaluation of the disability.

Q15: Must the district notify the parent if the Evaluation Review determines that no further testing is needed?

A15: Yes. The district must inform the parent about that determination and the reasons for it, and about the parent's opportunity to request a reevaluation of the student's disability.

Q16: Must the district obtain written consent from the parent for an evaluation following an Evaluation Review that determines that the additional evaluation is necessary?

A16: Yes.

Q17: Can a district continue to request waivers from the Administrative Rules for Special Education?

A17: Yes. The waiver process is based on statute.

Q18: Is there a list of approved alternative assessments until MI-ACCESS Phase II is approved?

A18: For up to date information on the state assessment program, visit the MDE web site using the URL of: http://www.mi.gov/documents/MI-Access_Index_13923_7.html

Proposed Changes to “Technical Assistance for Frequently Asked Questions”

Chapter 10: Referral

| Code/Q# | Topic/subtopic |
|------------|--|
| Ref | Referral |
| IDEA | Sections 300.530-.543 (See pp12632-12637 Attachment I) |
| Ref-001 | Homebound/hospitalized services - referral for |
| Ref-001 | Initial referral |

Ref-001

Subject: Referral for special education programs and services

Specific question: Questions related to the referral

1. What is a referral?

Response: A referral is any written request for: (1) an initial special education evaluation for a student suspected to be in need of special education programs or services, or (2) a reevaluation of a student already receiving special education and suspected to be in need of additional or reduced special education programs or services. The referral must be in writing unless the person making the referral cannot write in which case the district shall provide whatever assistance is necessary to be informed of, and submit, the referral.

2. Who can make a referral?

Response: A parent or guardian, a licensed physician, registered nurse, social worker, or school or other appropriate professional personnel whose training and relationship to the student provides knowledge to reasonably suspect that the student has a disability.

3. What needs to be done upon receipt of an initial referral?

Response: Within ten (10) calendar days the school district must inform the parents of a receipt of a referral and request consent to conduct the evaluation. An initial evaluation may be preceded, as appropriate, by a review of existing evaluation data by the IEP team. A MULTIDISCIPLINARY EVALUATION TEAM (MET) MUST COMPLETE AN EVALUATION AND an IEP team meeting must be held COMPLETED no later than 30 school days from the date of parent consent for evaluation. THIS TIME LINE MAY BE EXTENDED IF AGREED TO BY THE PARENT AND THE PUBLIC AGENCY. The purpose of the IEP team meeting is to determine eligibility and, if the student is found eligible, write an IEP.

4. If a student is already in RECEIVING special education and school staff or a parent wants to consider different special education programs(s) and/or service(s), is a referral needed REQUIRED?

Response: A NEW REFERRAL MAY BE INITIATED, BUT IS NOT REQUIRED. THE IEP TEAM DETERMINES THE APPROPRIATE PROGRAMS AND SERVICES FOR A STUDENT AND MAY ADD OR DROP A SERVICE OR PROGRAM IN THE IEP MEETING. (NOTE: R340.1745 REQUIRES A DIAGNOSTIC REPORT PROVIDED BY AN AUTHORIZED PROVIDER OF SPEECH AND LANGUAGE SERVICES PRIOR TO INITIATING AND CONTINUING SPEECH SERVICES.)

When considering a change in special education programs or services, AN EVALUATION REVIEW AND a reevaluation is NOT required ~~only as determined by the evaluation review team to provide needed data.~~ HOWEVER, AN EVALUATION REVIEW IS REQUIRED AT LEAST ONCE EVERY 36 MONTHS, OR WHEN THE PARENT OR TEACHER REQUESTS AN EVALUATION, IN WRITING, OR WHEN CONSIDERING CHANGING, ADDING OR REMOVING A DISABILITY CATEGORY.

WHETHER INITIATED BY A REFERRAL OR BY AN ~~The reevaluation review,~~ parent consent IS REQUIRED FOR ANY ~~reevaluation,~~ and AN IEP team meeting to consider revision of the student's IEP must be completed within 30 school days of the parent consent to evaluate. This time line may be extended if agreed to by the parent and the public agency. Time lines that emerge for reevaluations do not delay the requirement for timely annual reviews of the IEP.

Adding, changing or removing a disability label requires an evaluation by a multidisciplinary evaluation team (MET) and, therefore, an evaluation review and parent consent. The district must also honor a parent request for a MET pursuant to any reevaluation.

5. Are requests for homebound/hospitalized services considered a referral?

Response: The request is not necessarily a request for an evaluation or reevaluation. However, when it is anticipated that the pupil will be out of school for more than five consecutive days, the PARENT IS TO NOTIFY THE DISTRICT WITH VERIFICATION FROM A LICENSED PHYSICIAN OF A MEDICAL IMPAIRMENT WHICH REQUIRES THE ELIGIBLE SPECIAL EDUCATION STUDENT TO BE CONFINED TO THE HOME. THE district must initiate the service as soon as possible but no later than three days after being notified BY THE PARENT. The district must conduct an IEP team meeting within 15 school days AFTER VERIFICATION.

6. Is a request for a general education evaluation considered a special education referral?

Response: No, unless there is a reason to suspect the child is a student with a disability.

State Authority: R 340.1721, 340.1721a-e, 340.1746; School Code, 380.1711(1)(j)

Federal Authority: 34 CFR §§300.500(a)(1), 300.505, 300.532-533

Additional Information: See also Homebound and Hospitalized Service for Public School Pupils, Michigan Department of Education.

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